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September 29, 2020

Hon. Jeffrey M. Furman
United States District Court
Southern District of New York
40 Foley Square Courtroom 1105
New York, New York 10007

Re: Antolini v. Thurman, et al.
Case No.: 19-CV-9674 (JMF)

Dear Judge Furman:

The undersigned counsel for Defendants 33 Bre Inc., Brad Thurman and Harold Thurman and counsel for Plaintiff Dino Antolini respectfully submit this letter in anticipation of the conference set for October 7, 2020. The parties have attempted to complete this statement as fully as possible; however, given the state of discovery of this lawsuit, many of the relevant factual and legal matters remain unknown. Thus, each party reserves all their rights, remedies, defenses and objections as to the matters addressed herein, none of which are waived.

1. A Statement of all existing deadlines, due dates and/or cut off dates.

Fact discovery under paragraph 8b and 8d of the CMP is September 29, 2020.

2. Any Brief Description of any outstanding motions.

Plaintiff: Plaintiff has filed a Motion relating to access that is currently pending before Judge Magistrate Kevin Fox.

Defendants: Defendant has made a Motion to Compel document production and interrogatories currently pending before Judge Magistrate Kevin Fox.

3. Brief Description of the Status of Discovery and of any additional discovery that needs to be completed.

(a) Subject to the Order of Judge Magistrate Kevin Fox, Plaintiff has moved for access for an inspection.

(b) Subject to the order of Judge Magistrate Kevin Fox, Defendants have moved for document production and interrogatories.

(c) Both parties have not yet held depositions.

4. A List of all prior Settlement Discussions.

(a) None

5. Statement of how the Court may facilitate settlement.

Plaintiff is appreciative of the court seeking a resolution of the lawsuit but firmly believes a conference would be a complete waste of time but might be appropriate at a future point.

Defendants likewise are appreciative of the court seeking a resolution of the lawsuit but also believe that this may be premature

6. The estimated length of trial.

The parties anticipate that trial will last three to four days.

7. Statements on Anticipated filings of Motions for Summary Judgment

(a) Defendants and Plaintiff intend to file motions for summary judgment upon completion of discovery.

8. Any other issues that the parties would like to address at the pretrial conference or that would advance the case to settlement

Defendants believe a telephone conference should proceed as scheduled for October 7, 2020. Plaintiff believes no conference is required. Counsel for Defendants is available for a conference on October 5, 2020 from 2:00 pm to 5:00 pm, from October 6, 2020 from 2:00 pm to 5:00 pm, from October 7, 2020 from 2:00 pm to 5:00 pm and October 8, 2020 from 11:00 am to 5:00 pm.

Thank you.

Respectfully submitted,



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**Counsel for Defendants
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s/ Stuart H. Finkelstein, Esq.

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